Chairman of the MRTPC

259. SHRI KULDIP NAYYAR: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

whether it is a fact that the Chairman of the MRTPC has been appointed without the consultation of the Chief Justice of India;

whether the past practice has been stopped *if so* the reasons therefor; and

what is the policy on the appointments of top persons on bodies like MRTPC?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING AND MINISTER OF STATE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) and (b) As per Section 5(2) of the Monopolies and Restrictive Trade Practices Act the Chairman of the Monopolies and Restrictive Trade Practice Commission shall be a person who is, or has been or is qualified to be, a judge of the Supreme Court or of a High Court and the Members thereof shall be persons of ability, integrity and standing who have adequate knowledge or experience of, or have shown capacity in dealing with, problems relating to economics, law, commerce, accountancy, industry, public affairs or administration.

Monopolies and Restrictive Trade Practices Act does not envisage any consultation with the Chief Justice of India. However, as matter of convention, formal concurrence of the Chief Justice of Supreme Court or of the concerned High Court is obtained only if a serving Supreme Court or High Court Judge is to be appointed as Chairman of the Commission.

(c) Appointment of Chairman and Members of the Monopolies and Restrictive Trade practices Commission is made by the Government in terms of provisions of the Monopolies and Restrictive Trade Practices Act and the guidelines framed with the approval of the Appointments Committee of the Cabinet (ACC).